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PATENT  
ATTORNEY DOCKET NO. 31242-701.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Elizabeth Moyer et al.	)	Confirmation No. 2967
	)	
Serial No.: 09/393,590	)	Art Unit: 1645
	)	
Filed: September 9, 1999	)	Examiner: DEVI, S.J.N.
	)	
Title: STABLE LIQUID FORMULATIONS	)	
<u>OF BOTULINUM TOXIN</u>	)	

**SUPPLEMENTAL AMENDMENT**

M/S Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Introductory Comments:**

This Supplemental Amendment is being filed in response to the Office Action dated June 1, 2004. Prior to the extended due date of December 1, 2004, Applicants filed an Amendment in Response to the Office Action, dated December 1, 2004. After the Amendment was filed, Applicants were informed by the European Patent Office regarding Opposition Proceedings in the European Patent Office, including the issuance of a Preliminary Opinion, which is attached herein.

Applicants thereafter informed the Examiner of the status in the EPO Opposition Proceedings, and expressed their desire to harmonize the pending U.S. Application claims with the EPO Opposition Proceedings amendments that are considered to be filed in response to the Preliminary Opinion. Applicants, therefore, ask the Examiner to replace the prior amendments to the claims filed on December 1, 2004, and please reconsider the above-identified application as follows.

Appl. No. 10/066,004  
Amendment dated October 18, 2004  
Reply to Office Action of October 4, 2004

Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims that begins on page 3 of this paper.

**Remarks/Arguments** begin on page 10 of this amendment.

**WSGR** Wilson Sonsini Goodrich & Rosati  
PROFESSIONAL CORPORATION

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**Date:** March 9, 2005

**To:** Examiner S. Devi, Ph.D.

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**Message:**

U.S. Patent Application No.: 09/393,590

Filed: September 9, 1999

Inventor(s): Elizabeth Moyer et al.

Title: Stable Liquid Formulations of Botulinum Toxin

Our Reference No.: 31242-701.201

Dear Examiner Devi:

Attached please find a courtesy copy of the Preliminary Amendment that we filed with the United States Patent and Trademark Office via Express Mail on March 9, 2005

Regards,  
Queenie B. Ngo  
Paralegal

Ref: 31242-701.201

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Location: FH 1/2

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PAGE 1/23 \* RCVD AT 3/9/2005 9:42:43 PM [Eastern Standard Time] \* SVR:USPTO-EFAX-1/0 \* DNS:8729306 \* CSID:650 493 6811 \* DURATION (mm-ss):08-00

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

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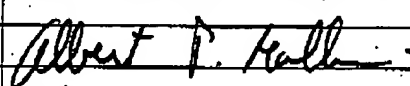
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/393,590
		Filing Date	September 9, 1999
		First Named Inventor	Elizabeth Moyer et al.
		Art Unit	1645
		Examiner Name	Devi, S. J. N.
Total Number of Pages in This Submission	24	Attorney Docket Number	31242-701.201

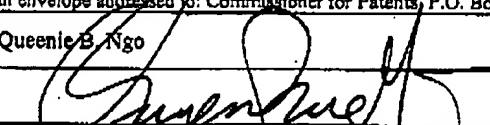
## ENCLOSURES (Check all that apply)

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Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Albert P. Halluin, Reg. No. 25,227, WILSON SONSINI GOODRICH & ROSATI		
Signature			
Date	March 9, 2005		

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Queenie B. Ngo		
Signature		Date	March 9, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 172 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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